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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,562	12/02/2005	Prakash Teshwant Bhandare	NL 030696	3819

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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CHAU, COREY P

ART UNIT	PAPER NUMBER
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2615

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/559,562

Applicant(s)

BHANDARE, PRAKASH  
TESHWANT

Examiner

Corey P. Chau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                  |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                      | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                             | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/25/2006</u> | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Regarding claim 19, the phrase "for instance" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by USPAPN 20030165249 to Higuchi.
5. Regarding Claim 1, Higuchi discloses assembly for generating and recording sound, comprising
- an electromagnetic transducer (1) for transforming electrical energy into acoustical energy (abstract; Figs. 1-7; page 2, paragraph 0028),

wherein the assembly comprises at least one microphone (2), wherein at least part of said microphone (2) is located within said transducer (1) (abstract; Figs. 1-7; page 2, paragraph 0028).

6. Regarding Claim 2, Higuchi discloses said microphone (2) is positioned substantially within said transducer (1) (abstract; Figs. 1-7; page 2, paragraph 0028).

7. Regarding Claim 3, Higuchi discloses an outer surface (F) of said transducer (1) comprises at least one air passage (13) for bringing said microphone (2) into contact with ambient air (abstract; Figs. 1-7; page 2, paragraphs 0028-0029 and 0034-0035).

8. Regarding Claim 4, Higuchi discloses the transducer (1) comprises a coil (5) for actuating a sound generating element (4) (abstract; Figs. 1-7; page 2, paragraphs 0028 and 31-33).

9. Regarding Claim 5, Higuchi discloses said microphone (2) is at least partially surrounded by said coil (5) (abstract; Figs. 1-7).

10. Regarding Claim 6, Higuchi discloses said sound generating element comprises a cone (4) (abstract; Figs. 1-3 and 5).

11. Regarding Claim 7, Higuchi discloses said cone (4) comprises a central cap (10), wherein said microphone (2) is located behind said cap (10) (abstract; Figs. 1-3 and 5).

12. Regarding Claim 8, Higuchi discloses the transducer (1) comprises a magnetic means (6) for cooperation with said coil (5) for the actuation of the sound generating element (2), wherein said microphone (2) is connected to said magnetic means (6) (abstract; Figs. 1-7; page 2, paragraphs 0028 and 32-33).

13. Regarding Claim 9, Higuchi discloses said magnetic means comprises a magnet core (7), wherein said microphone (2) is attached to said core (7) (abstract; Figs. 1-7; page 2, paragraphs 0028 and 32-33).
14. Regarding Claim 10, Higuchi discloses said coil (5) partly surrounds said magnet core (7) (abstract; Figs. 1-7; page 2, paragraphs 0028 and 32-33).
15. Regarding Claim 11, Higuchi discloses said magnet core (7) is provided with a microphone aperture (12) containing at least part of said microphone (2) (abstract; Figs. 1-7; page 2, paragraphs 0028 and 32-33).
16. Regarding Claim 12, Higuchi discloses a sound receiving part (16) of said microphone (2) is located outside the area which is enclosed by both said coil (5) and said magnet core (7) (abstract; Figs. 1-7; page 2, paragraphs 0028 and 32-33).
17. Regarding Claim 13, Higuchi discloses said microphone aperture (12) is surrounded by a substantially rotation-symmetrical part (17) of said core (7) (abstract; Figs. 1-7; page 2, paragraphs 0028 and 32-33).
18. Regarding Claim 14, Higuchi discloses said microphone (2) is connected to electrical wire means (11) extending through said magnet core (7) (abstract; Figs. 1-7; page 2, paragraph 0028).
19. Regarding Claim 15, Higuchi discloses said microphone (2) is located on the centre line (z) of the transducer (1) (abstract; Figs. 1-7; page 2, paragraph 0028).
20. Regarding Claim 16, Higuchi discloses apparatus for generating and recording sound, comprising the assembly according to claim 1 (abstract; Figs. 1-7; page 2, paragraph 0028).

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21. Regarding Claim 17, Higuchi discloses use of the assembly according to claim 1, wherein sound is recorded by said microphone (2) of said assembly (1, 2) (abstract; Figs. 1-7; page 2, paragraph 0028).

22. Regarding Claim 18, Higuchi discloses at the same time, sound is produced by the respective transducer (1) of the same assembly (1, 2) (abstract; Figs. 1-7; page 2, paragraph 0028).

23. Regarding Claim 19, as best understood with regards to the 112, 2<sup>nd</sup> problem mentioned above, Higuchi discloses the sound recorded by said microphone (2) of said assembly (1, 2) is used to adjust the sound generated by said transducer, for instance by utilizing feed back means (abstract; Figs. 1-7; page 2, paragraph 0028).

24. Regarding Claim 20, Higuchi discloses the sound recorded by the microphone (2) of the assembly (1, 2) is used to calibrate at least one amplifier transfer function (abstract; Figs. 1-7; page 2, paragraph 0028; page 4, paragraph 0047).

25. Claims 1-6 and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 6195442 to Griffin et al. (hereafter as Griffin).

26. Regarding Claim 1, Griffin discloses assembly for generating and recording sound, comprising

an electromagnetic transducer (1) for transforming electrical energy into acoustical energy (abstract; Fig. 13, column 6, line 44 to column 7, line 5),

wherein the assembly comprises at least one microphone (2), wherein at least part of said microphone (2) is located within said transducer (1) (abstract; Fig. 13, column 6, line 44 to column 7, line 5).

27. Regarding Claim 2, Griffin discloses said microphone (2) is positioned substantially within said transducer (1) (abstract; Fig. 13, column 6, line 44 to column 7, line 5).

28. Regarding Claim 3, Griffin discloses an outer surface (F) of said transducer (1) comprises at least one air passage (13) for bringing said microphone (2) into contact with ambient air (abstract; Fig. 13, column 6, line 44 to column 7, line 5).

29. Regarding Claim 4, Griffin discloses the transducer (1) comprises a coil (5) for actuating a sound generating element (4) (abstract; Figs. 8 and 13, column 6, line 44 to column 7, line 5).

30. Regarding Claim 5, Griffin discloses said microphone (2) is at least partially surrounded by said coil (5) (abstract; Figs. 8 and 13, column 6, line 44 to column 7, line 5).

31. Regarding Claim 6, Griffin discloses said sound generating element comprises a cone (4) (abstract; Figs. 8 and 13, column 6, line 44 to column 7, line 5).

32. Regarding Claim 15, Griffin discloses said microphone (2) is located on the centre line (z) of the transducer (1) (abstract; Figs. 8 and 13, column 6, line 44 to column 7, line 5).

33. Regarding Claim 16, Griffin discloses apparatus for generating and recording sound, comprising the assembly according to claim 1 (abstract; Figs. 8 and 13, column 6, line 44 to column 7, line 5).

34. Regarding Claim 17, Griffin discloses use of the assembly according to claim 1, wherein sound is recorded by said microphone (2) of said assembly (1, 2) (abstract; Figs. 8 and 13, column 6, line 44 to column 7, line 5).

35. Regarding Claim 18, Griffin discloses at the same time, sound is produced by the respective transducer (1) of the same assembly (1, 2) (abstract; Figs. 8 and 13, column 6, line 44 to column 7, line 5).

36. Regarding Claim 19, as best understood with regards to the 112, 2<sup>nd</sup> problem mentioned above, Griffin discloses the sound recorded by said microphone (2) of said assembly (1, 2) is used to adjust the sound generated by said transducer, for instance by utilizing feed back means (abstract; Figs. 8 and 13, column 6, line 44 to column 7, line 5).

37. Regarding Claim 20, Griffin discloses the sound recorded by the microphone (2) of the assembly (1, 2) is used to calibrate at least one amplifier transfer function (abstract; Figs. 8 and 13, column 6, line 44 to column 7, line 5).

### ***Conclusion***


38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey P. Chau whose telephone number is (571)272-7514. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on (571)272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 4, 2007  
CPC

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600